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FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			AKPATI, ODAICHE T	
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			2135	10

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

*J*

# Office Action Summary

Application No.

09/404,427

Applicant(s)

NODA, SHINJI

Examiner

Tracey Akpati

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12/12/03
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-13,15-23 and 25-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2,4-13,15-23,25-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

1. Claims 3, 14 and 24 have been cancelled. The communication filed 12/12/03 has been amended. Claims 1-2, 4-13, 15-23, 25-32 remain for examination.

### *Response to Arguments*

Applicant's arguments have been fully considered but they are not persuasive.

2. *The attorney argues that Kutaragi et al(6122739) fails to show the amended limitation of Claim 1.* With respect to the attorney's argument regarding Claim 1, the amended claim incorporates Claim 3 which is rejected in view of Jones et al (6,363,164 B1) and hence could not have possibly been met only by Kutaragi et al (6,122,739) but Kutaragi et al in view of Jones et al (6,363,164 B1) as rejected below in the 35USC103 rejection.

3. *With respect to Claim 1, the attorney further argues that the referenced column 1, lines 32-40 and column 2, lines 8-12 of Kutaragi et al fails to show usage of these two authentication processes.* In response, the first authentication process referenced on column 1, lines 32-40 clearly meets the first limitation of Claim 1. It shows a first authenticating process for a dedicated disc involving comparing the data stored in a predetermined memory location of the disc with a security code. Hence the presence of checking a predetermined location of a disc for an authenticating material was already known in the art before the inventor's priority date. Additionally, another first authenticating process is shown on column 2, lines 4-8 and further explained on column 4, lines 35-61 of Kutaragi et al.

The second authenticating step is disclosed on column 2, lines 8-12 of Kutaragi et al by the second verification step which is called "the discrimination step" and which is a different step from the first. What it does is that it checks to see if the detected security code on predetermined locations of the disc contains a security code and if the detected code corresponds to a security code set in advance. This second step is further explained on column 4, lines 61-67 of Kutaragi et al.

4. The above explanation also applies to Claim 2, 3, 4-11 that depend on Claim 1. Claim 22 follows the same above explanation of the prior rejections. Hence, Claims 23, 25-32 that depend on Claim 22 follow the same reasoning by virtue of dependency.

5. *With respect to Claim 12, the attorney argues that the referenced column 9, lines 44-50 does not fully disclose the limitations of Claim 12.*

The examiner hereby refers the attorneys to the abstract of Timmermans et al (5,930,210). This shows all the limitation of Claim 12, namely "a disk playback apparatus" met by the playback

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apparatus. This playback apparatus plays disks as shown on column 3, lines 6-12. The "absolute authentication" process performed is in more detail shown on column 3, lines 41-53, by the scanning of the first physical parameter by a transducer which detects variations of a first physical parameter. This comprises the first authenticating process and hence suggests the existence of an absolute authentication means. The "arbitrary authentication" process is shown in more detail on column 3, lines 54-65 of Timmermans. This referenced section further suggests the existence of an arbitrary authentication means in order for this process to be able to occur. These are two different steps that authenticate the disk as shown in both referenced sections above on column 3 because they are different parameters that are authenticated separately. If both features are not present on the disk in the specific forms in which they are supposed to occur on the disk then the information on the disk cannot be recovered. (Timmermans, column 4, lines 3-6).

6. The amended claims will be addressed below.

7. *The attorney argues that the examiner does not provide an explanation as to how Kutaragi or Jones provides a motivation to add a second authentication process. The attorney argues that the examiner's given motivation seems to be an "argument to support replacing the authentication process of Kutaragi with the authentication process of Jones" on page 20.* The examiner further explains that the motivational statement of a "thorough and reliable authentication process" relates to the motivation to add Jones to Kutaragi being one of making Kutaragi's system more multi-faceted. Hence, if the Kutaragi's system becomes more multi-faceted, it becomes more thorough and then more reliable.

8. *The attorney argues that the examiner does not provide an explanation as to how Timmermans or Jones provides a motivation to add a second authentication process.*

This is shown by Timmermans on column 1, lines 54-67. This referenced section talks about the need for the existence of a second physical parameter in order to fully know that the disc is indeed authentic. This is further buffered by column 4, lines 3-6 which discloses that only when the presence of predetermined variations of the second physical parameter are detected will the information recorded on the disc be recovered. Therefore, there is motivation to substitute the second authenticating process disclosed in Jones et al (6363163 B1) within Timmermans to obtain the claimed invention. The reverse of Timmermans would be actually checking for the absence of a physical parameter at predetermined location (column 3, lines 54-67 and column 4, lines 1-6). Hence, one of ordinary skill in the art would simply reverse Timmermans teachings and instead of checking for the presence of the second physical parameter, checks for its absence. The motivation to do this would be because this would lead to a more thorough and reliable way of authenticating the disk if more than one authenticating step is performed.

9. All other claims depending on the preceeding claims discussed above fall under the same line of reasoning by reasons of dependence. All amended claims are discussed below within their rejections.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-9, 11, 22-23, 25-30, 32 rejected under 35 U.S.C. 103(a) as being unpatentable over Kutaragi et al (6122739) in view of Jones et al (6363163 B1).

With regards to Claim 1, the limitation “performing an absolute authentication process for authenticating a recording medium with information for authentication being recorded in a predetermined position therein, according to a first rule at a predetermined time” is met by Kutaragi column 1, lines 32-40.

The limitation “and performing an arbitrary authentication process for authenticating said recording medium according to a second rule at an arbitrary time” is met by Kutaragi on column 2, lines 8-12. Kutaragi also meets the limitation of “wherein said first rule in said absolute authentication process is that normal authentication is declared if the information for authentication is detected as being recorded in said predetermined position” on column 1, lines 32-40. Kutaragi however does not meet the limitations disclosed below. This is met by Jones as shown below.

The limitations of “...and said second rule in said arbitrary authentication process is that normal authentication is declared if the information for authentication is detected as being not recorded in arbitrary positions other than said predetermined position” is met by Jones et al,

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abstract and paragraphs 172-173, 177. The abstract talks about the presence of a discrimination unit. This implies that the discrimination unit discriminates between information that reveals or fails to reveal authenticity of the currency bill. In paragraph 173, the location of the thread within the bill is used as an authenticating feature. In paragraph 177, normal authentication is declared when the threads, i.e. the authenticating feature, are not found in the center of the bill, i.e. in an area where it should not occur. Hence, the absence of the thread in an area it is not supposed to be present is interpreted as an authentic bill.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Jones et al within the system of Kutaragi because checking an area of the disc where an authenticating feature should not be in leads to a more thorough and reliable authentication process.

With regards to Claim 2, the limitation “wherein said absolute authentication process is performed when said recording medium starts being accessed for the first time, and said arbitrary authentication process is performed at least once after said absolute authentication process” is met by Kutaragi on column 2, lines 4-17.

With regards to Claim 4, the limitation “wherein said absolute authentication process comprises an authentication information detecting process for detecting the information recorded in said predetermined position when said recording medium starts being accessed” is met by Kutaragi, column 1, line 32-38.

The limitation “an absolute decision process for declaring normal authentication if the detected information comprises information for authentication” is inherently met by Kutaragi, column 1, lines 32-38 and column 3, lines 8-13.

The limitation “said arbitrary authentication process comprises an arbitrary information detecting process for detecting information from an arbitrary position except said predetermined position on said recording medium” is met by Kutaragi et al, column 2, lines 61-67. The reference here discusses checks performed in the TOC area of the disc for a wobbled code. Since first step of checking a predetermined location for a security code (Kutaragi, column 1, lines 32-38) has already been performed, then this next step naturally should deal with checking the other predetermined areas or TOC area of the disc for the video image. Kutaragi however does not discuss an arbitrary authentication process that declares a normal authentication when the authenticating information is not found. Jones et al discloses this as discussed below.

The limitation “an arbitrary decision process for declaring normal authentication if the detected information does not comprise information for authentication” is met by Jones et al, abstract and paragraph 172-173, 177. The abstract talks about the presence of a discrimination unit. This implies that the discrimination unit discriminates between information that reveals or fails to reveal authenticity of the currency bill. In paragraph 177, normal authentication is declared when the threads, i.e. the authenticating feature, are not found in the center of the bill, i.e. in an area where it should not occur. Hence, the absence of the thread in an area it is not supposed to be present is interpreted as an authentic bill.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Jones et al to the teachings of Kutaragi because checking

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an area of the disc where an authenticating feature should not be in leads to a more thorough and reliable authentication process.

With regards to Claim 5:

The limitation “wherein said first rule in said absolute authentication process is that normal authentication is declared if a signal indicating that the information for authentication is recorded in said predetermined position is received” is inherently met by Kutaragi, column 1, lines 32-40. Kutaragi however does not disclose an arbitrary authentication process that declares a normal authentication when the authenticating information is not found. Jones et al however discloses this as shown below.

The limitation “said second rule in said arbitrary authentication process is that normal authentication is declared if a signal indicating that the information for authentication is not recorded is received” is met by Jones et al, abstract and paragraph 172-173, 177. In paragraph 177, normal authentication is declared when the threads, i.e. the authenticating feature, are not found in the center of the bill, i.e. in an area where it should not occur. Hence, the absence of the thread in an area it is not supposed to be present is interpreted as an authentic bill.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Jones et al to the teachings of Kutaragi because checking an area of the disc where an authenticating feature should not be in leads to a more thorough and reliable authentication process.

With regards to Claim 6:



The limitation “comprising the step of employing access means for accessing said recording medium and outputting a normal signal if the information for authentication is recorded in said predetermined position” is met by Kutaragi, column 1, lines 32-40.

The limitation “said absolute authentication process comprising an absolute decision process for declaring normal authentication if said normal signal is received” is inherently met by Kutaragi, column 2, lines 4-17. Kutaragi however does not disclose an arbitrary authentication that indicates an abnormal authentication whenever a normal signal is received. Jones however discloses this as discussed below.

The limitation “said arbitrary authentication process comprising an arbitrary decision process for declaring an abnormal authentication if said normal signal is received” is met by Jones et al, abstract and paragraph 172-173. Jones implies that if the threads are found in the areas that they are not expected to be in, a normal signal is sent out. This normal signal implies that the authenticating feature, i.e. the thread is absent which can be interpreted as an abnormal authentication.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Jones et al to the teachings of Kutaragi because checking an area of the disc where an authenticating feature should not be in leads to a more thorough and reliable authentication process.

With respect to Claims 7 and 28, the limitation “said recording medium comprises a disk-type recording medium, the information for authentication being modulated radially of said

recording medium and recorded therein” is met by Kutaragi on column 1, lines 63-67 and column 2, lines 1-3.

With respect to Claim 8:

The inherited limitation regarding the absolute and arbitrary authentication methods regarding Claim 8 is met by Kutaragi and Jones et al and has already been discussed in Claims 1 and 4.

The limitation “wherein said recording medium comprises a disk-type recording medium, the information for authentication being modulated radially of said recording medium and recorded therein” is met by Kutaragi, column 1, lines 63-67 and column 2, lines 1-3.

The limitation “wherein said absolute authentication process and said arbitrary authentication process comprise the steps of detecting a modulated component from said recording medium; detecting the information for authentication from said modulated component; and deciding whether the detected information for authentication is in agreement with predetermined information and recorded in said predetermined position” is met by Kutaragi, column 2, lines 4-12.

The limitation “outputting a normal signal if the detected information for authentication is in agreement with predetermined information and recorded in said predetermined position” is inherently met by Kutaragi, column 2, lines 12-23.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Jones et al to the teachings of Kutaragi because checking an area of the disc where an authenticating feature should not be in leads to a more thorough and reliable authentication process.

With regards to Claim 9, its limitation is similar to Claim 8 limitation. The difference is that Claim 9 further limits the access means described in claim 6. The access means necessary to access and manipulate the recording medium is described in Kutaragi, column 1, lines 38-40.

With regards to Claim 11, the inherited limitation regarding absolute and arbitrary authentication has already been discussed in Claim 1. The limitation “displaying information representing an authenticated result of either said absolute authentication process or said arbitrary authentication process” is met by Kutaragi on column 4, lines 59-61.

With regards to Claim 22, the limitation “an entertainment apparatus for performing processing operations using programs and data reproduced from a recording medium” is met by Kutaragi et al, on column 3, lines 55-67 and column 4, lines 1-22.

The limitation “absolute authentication means for performing an absolute authentication process for authenticating a recording medium with information for authentication being recorded in a predetermined position therein, according to a first rule at a predetermined time; and arbitrary authentication means for performing an arbitrary authentication process for authenticating said recording medium according to a second rule at an arbitrary time” is met by Kutaragi et al on column 1, lines 32-40 and column 2, lines 8-12. The limitation of “wherein said first rule in said absolute authentication process performed by said absolute authentication means is that normal authentication is declared if the information for authentication is detected as being recorded in said predetermined position” is also met by Kutaragi on column 1, lines 32—

40. Kutaragi however does not meet the limitation disclosed below. This is however met by Jones et al as shown below.

The limitations of "...and said second rule in said arbitrary authentication process performed by said arbitrary authentication means is that normal authentication is declared if the information for authentication is detected as being not recorded in arbitrary positions other than said predetermined position" is met by Jones et al, abstract and paragraphs 172-173, 177. . The abstract talks about the presence of a discrimination unit. This implies that the discrimination unit discriminates between information that reveals or fails to reveal authenticity of the currency bill. In paragraph 173, the location of the thread within the bill is used as an authenticating feature. In paragraph 177, normal authentication is declared when the threads, i.e. the authenticating feature, are not found in the center of the bill, i.e. in an area where it should not occur. Hence, the absence of the thread in an area it is not supposed to be present is interpreted as an authentic bill.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Jones et al within the system of Kutaragi because checking an area of the disc where an authenticating feature should not be in leads to a more thorough and reliable authentication process.

With regards to Claim 23, the limitation "wherein said absolute authentication means comprises means for performing said absolute authentication process according to said first rule when said recording medium starts being accessed for the first time, and said arbitrary authentication means comprises means for performing said arbitrary authentication process according

to said second rule at least once after said absolute authentication process” is met by Kutaragi et al, column 2, lines 4-17.

With regards to Claim 25, its limitation is similar to Claim 4 limitation and hence has already been discussed above.

With regards to Claim 26, its limitation is similar to Claim 5 limitation and hence has already been discussed above.

With regards to Claim 27, its limitation is similar to Claim 6 limitation and hence has already been discussed above.

With regards to Claim 29, its limitation is similar to Claim 8 limitation and hence has already been discussed above.

With regards to Claim 30, its limitation is similar to Claim 9 limitation and hence has already been discussed above.

With regards to Claim 32, its limitation is similar to Claim 11 limitation and hence has already been discussed above.

Claims 12, 13 , 15, 16, 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Timmermans et al (5737286) in view of Jones et al (6,363,164 B1).

With regards to Claim 12, the limitation “disk playback apparatus for playing back information on a disk-type recording medium, comprising absolute authentication means for performing an absolute authentication process for authenticating a recording medium with information for authentication being recorded in a predetermined position therein, according to a

first rule at a predetermined time and arbitrary authentication means for performing an arbitrary authentication process for authenticating said recording medium according to a second rule at an arbitrary time” is met by Timmermans et al on column 9, lines 44-50.

Further limitation of “wherein said first rule in said absolute authentication process performed by said absolute authentication means is that normal authentication is declared if the information for authentication is detected as being recorded in said predetermined position” is met by Timmermans et al on column 8, lines 16-20 and on column 3, lines 44-54 and 57-64.

Timmermans et al however does not meet the limitation disclosed below. This is however met by Jones et al as shown below. The limitation of “...said second rule in said arbitrary authentication process performed by said arbitrary authentication means is that normal authentication is declared if the information for authentication is detected as being not recorded in arbitrary positions other than said predetermined positions” is met by Jones et al in the abstract and on paragraphs 172-173, 177.

It would have been obvious to combine the system of Jones et al within the system of Kutaragi because checking an area of the disc where an authenticating feature should not be in leads to a more thorough and reliable authentication process.

With regards to Claim 13, the limitation “said absolute authentication means comprises means for performing said absolute authentication process according to said first rule when said recording medium starts being accessed for the first time, and said arbitrary authentication means comprises means for performing said arbitrary authentication process according to said second

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rule at least once after said absolute authentication process” is met by Timmermans et al on column 8, lines 16-20 and column 3, lines 44-54 and 57-64.

With regards to Claim 15,

The limitation “said absolute authentication means comprises authentication information detecting means for detecting the information recorded in said predetermined position when said recording medium starts being accessed, and absolute decision means for declaring normal authentication if the detected information comprises information for authentication” is met by Timmermans et al as already discussed in Claim 12 rejection. Timmermans however does not discuss an arbitrary authentication process that declares a normal authentication if the authentication information is not found. However, Jones et al discloses this.

The limitation “said arbitrary authentication means comprises arbitrary information detecting means for detecting information from an arbitrary position except said predetermined position on said recording medium, and arbitrary decision means for declaring normal authentication if the detected information does not comprise information for authentication” is met by Jones et al, abstract and paragraphs 172-173 and 177. Paragraph 177 talks about looking at an area other than the predetermined position for location of fluorescing threads. The absence of such fluorescing threads in the center of the bill will signify a normal authentication.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Jones et al to the teachings of Timmermans et al because checking an area of the disc where an authenticating feature should not be in leads to a more thorough and reliable authentication process.

With regards to Claim 16, its rejection is contained in Claim 12 rejection and hence its rejection can be found above.

With regards to Claim 17:

The limitation “access means for accessing said recording medium and outputting a normal signal if the information for authentication is recorded in said predetermined position” is met by Timmermans et al, column 9, lines 44-47, 51-53, column 3, lines 51-54.

The limitation “said absolute authentication means comprising absolute decision means for declaring normal authentication if said normal signal is received” is met by Timmermans et al on column 3, lines 51-54. Timmermans et al however does not discuss an arbitrary authentication process that declares an abnormal authentication when a normal signal is received. Jones however discloses this.

The limitation “said arbitrary authentication means comprising arbitrary decision means for declaring an abnormal authentication if said normal signal is received” is met by Jones et al, abstract and paragraph 172-173. Jones implies that if the threads are found in the areas that they are not expected to be in, a normal signal is sent out. This normal signal implies that the authenticating feature, i.e. the thread is absent which can be interpreted as an abnormal authentication.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Jones et al to the teachings of Timmermans et al so as to allow for a more thorough method for authenticating a recording medium.



With regards to Claim 21, the limitation “further comprising means for forcibly ending a processing being executed if either said absolute authentication process performed by said absolute authentication means or said arbitrary authentication process performed by said arbitrary authentication means does not result in normal authentication” is met by Timmermans et al, column 6, line 46-53.

Claims 10 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kutaragi et al (6122739) in view of Jones et al (6,363,164 B1) in further view of Timmermans et al (5737286).

With respect to Claim 10, the inherited limitation regarding absolute and arbitrary authentication processes is met by Kutaragi et al in view of Jones et al and has already been discussed in Claim 1. The limitation “forcibly ending a processing being executed if either said absolute authentication process or said arbitrary authentication process does not result in normal authentication” is met by Timmermans et al, column 6, line 46-53.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Timmermans et al to the combination of Kutaragi et al and Jones et al because a process is needed to evict the illegal disc so as to prevent it from being illegally copied or played.

With respect to Claim 31, its limitation is similar to Claim 10 and hence its rejection is found above in Claim 10 rejection.

Claims 18, 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Timmermans et al (5737286) in view of Jones et al (6363164 B1) in further view of Kutaragi et al (6122739).

With regards to Claim 18, the inherited limitation regarding the disk playback apparatus possessing absolute and arbitrary authentication processes has already been discussed in Claim 12 rejection and is met by Timmermans et al in view of Jones et al.

Furthermore, the limitation “the information for authentication is modulated radially of said recording medium and recorded therein” is met by Kutaragi et al, column 1, lines 63-67 and column 2, lines 1-3.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Kutaragi et al within the combination of Timmermans et al and Jones et al so as to store the authentication information on the recording medium.

With regards to Claim 19, the inherited limitation of signaling a normal authentication when the authenticating information is not found is already discussed in Claim 12.

The limitation “detecting means for detecting the information for authentication from said modulated component” is met by Timmermans et al on column 9, lines 56-60.

The limitation “authentication decision means for deciding whether the detected information for authentication is in agreement with predetermined information and recorded in said predetermined position, and outputting a normal signal if the detected information for

authentication is in agreement with predetermined information and recorded in said predetermined position” is met by Timmermans et al on column 8, lines 16, 24-28. The combination of Timmermans et al and Jones et al however does not discuss a disk playback apparatus having a radially modulated onto the recording medium. Kutaragi et al discloses this.

The limitation “disk playback apparatus according to claim 12, wherein the information for authentication is modulated radially of said recording medium and recorded therein, and wherein said absolute authentication means and said arbitrary authentication means comprise...” is met by Kutaragi et al, column 3, lines 57-59 and column 1, lines 63-67, column 2, lines 1-3.

The limitation “modulated component detecting means for detecting a modulated component from said recording medium” is met by Kutaragi et al, column 1, lines 63-67 and column 2, lines 1-8. The reading of the modulated physical offset in the radial direction of the recording medium implies the existence of a detecting means that performs this function.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the system of Kutaragi et al within the combination of Timmermans et al and Jones et al so as to effectively read and be able to access the authentication information from the disc.

With regards to Claim 20, the limitation is similar to Claim 19 and hence its rejection can be found above. The only difference is that Claim 20 possesses an access means, which can be considered to be inherent within the references cited for Claim 19 rejection.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tracey Akpati whose telephone number is 703-305-7820. The examiner can normally be reached on 8.30am-6.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 703-305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OTA  
February 11, 2004



KGM VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100